

**MINUTES OF THE MEETING OF THE COUNCIL OF THE
REAL PROPERTY LAW SECTION
OF THE STATE BAR OF MICHIGAN**

APRIL 15, 2020 AT 12:00 PM

CONFERENCE CALL-IN LINK: <https://butzel.bluejeans.com/2482582602>
Or call in 1.888.748.9073, ID 248-258-2602#

An on-line meeting of the members of the Council of the Real Property Law Section was called to order at approximately 12:02 PM. Chairperson LaMont confirmed that a quorum of voting members was present.

Present:

Council Members		Past Chairs	
In Person	Conference Call N/A	In Person	Conference Call
	Catharine B. LaMont (Chair) Stephen R. Estey Brian P. Foley John D. Gaber Gregory J. Gamalski Jessica Hallmark Thomas A. Kabel Lorri B. King Leslee Lewis Jason C. Long (CLE) Michael A. Luberto Brandy L. Mathie Brian Page (Land Title) Dawn M. Patterson J. Scott Timmer Roxana Gale Zaha		Melissa N. Collar Brian P. Henry Mark P. Krysinski Ronn S. Nadis David E. Nykanen Jerome P. Pesick Ronald E. Reynolds C. Kim Shierk
		Section Administrator Karen Schwartz	
		Other Attendees	
	Nicholas P. Scavone, Jr. (Immediate Past Chair)		Rick Sundquist and Melissa Papke (Energy Committee Co-Chairs)

* * *

Approval of Minutes:

Chairperson LaMont proposed unanimous consent of the minutes from the February 11, 2020 Council meeting. Mr. Gamalski moved to support the Motion and Mr. Long seconded. No members raised an objection, so the Motion passed unanimously.

Consent Agenda:

Chairperson LaMont proposed unanimous approval of the Consent Agenda as to the following reports: Administrative, Committee on Committees, Membership Committee, Pro Bono Committee, Sponsorship and Technology Committee.

Chairperson LaMont moved to approve and receive the Consent Agenda without discussion. Mr. Gamalski moved to support the Motion and Ms. Mathie seconded. No objections were raised so the Motion to approve and receive the Consent Agenda without discussion passed unanimously.

Standing Committee Reports:

The following Standing Committee reports were discussed:

Budget and Finance Committee Report:

Mr. Kabel presented the Treasurer's Report for April Council Meeting.

The Winter Conference was affected by COVID-19. Some participants and registrants cancelled. The Winter Conference had a projected loss of \$13,850 and an actual loss of \$8,500.

The Summer Conference for 2020 had a projected loss of \$9,750.

The original Profit/Loss projection for 2019-2020 was a loss of \$49,266.

Revised Profit/Loss Projection with SC20 canceled: -\$31,016 (Difference of -\$18,250)

Revised Profit/Loss Projection with current financials and SC20 canceled: -\$12,442

(Diff. of \$36,824)

Continuing Legal Education (CLE) Committee:

Mr. Long presented the CLE Committee Report for review and discussion. He highlighted specific points in his report.

I. Winter Conference 2020 - Hotel del Coronado - March 12-14, 2020 (Erica Payne)

Despite the circumstances, the Winter Conference was a success.

We had 31 registered + 5 speakers (22 + 3 speakers attended program)

78 room nights reserved out of the 84 room nights blocked

II. Winter Conference 2021 - J.W. Marriott, Austin - February 25-27, 2021

Brian Foley has agreed to serve as Winter Conference 2021 Program Chair.

III. 2020 Summer Conference (Roxana Zaha and Brandy Mathie)

July 15-18, 2020, Mission Point Resort, Mackinac Island

In fairness to our speakers and members, the CLE Committee agreed to recommend to council to cancel the Summer Conference due to COVID-19. It was mentioned that even if the conference did take place, there may not be enough people attending to make it beneficial for the attendees or the speakers. Karen has been in contact with Mission Point and they have been accommodating.

The following are contracts we have committed to:
July 21-24, 2021 – Grand Traverse Resort & Spa
July 20-23, 2022 – Crystal Mountain
July 19-22, 2023 – Boyne Mountain Resort & Spa
July 17-20, 2024 – Grand Traverse Resort & Spa

The attendees at today's meeting had extensive discussion. Attendees expressed concerns about delaying the decision to cancel the conference, pressure on the speakers, optics, uncertainty with the economy and its effect on attendance. Approximately 20 people have booked rooms so far and Mission Point will refund those deposits.

Mission Point said they would credit us the \$1000 deposit that we would lose from Crystal Mountain if we booked for Summer 2022 with Mission Point. It is cost prohibitive to drop Grand Traverse based on their contract. Karen Schwartz is going to make some calls and find out additional information regarding modifying current contracts.

Attendees discussed the option of delaying the Summer Conference until the Fall. Concerns were expressed about the timing being close to Winter Conference, changes to the usual dynamic of a family event and that there may be a challenge to secure the same speakers. There were also concerns that the conference may have to switch to a virtual platform depending on the status of COVID-19 in the Fall.

After extensive discussion, a vote was held to decide if the Summer Conference 2020 at Mission Point on July 15-18, 2020 should be canceled.

The vote was unanimous. 17 voting members were in favor of the cancellation, 0 against out of 17 voting members in attendance at the time of the vote of a total of 17 voting members.

After extensive discussion, a second vote was held as to whether the Summer Conference should be postponed until the Fall of 2020.

1 voting member was in favor of postponing the Summer Conference to Fall 2020, 16 voting members were against postponing the Summer Conference to Fall 2020 out of 17 voting members in attendance at the time of the vote of a total of 17 voting members.

As a result of these votes, the Summer Conference 2020 has been canceled and will not be postponed until Fall 2020.

Karen Schwartz will place calls to see if there is any flexibility to slot Mission Point for next year or 2022 and then bump other resorts by one year. She will review the contracts and make calls.

We need to determine how to hold our annual meeting open to all section members. This will likely be done electronically in July. We will structure this at our May meeting.

IV. Technology (David Nykanen)

WC20 Webcast was made available to registrants. It will be available to all members in July, 4 months following the Winter Conference. If the Summer Conference is canceled, the App company will be contacted to extend the contract to include Summer Conference 2022.

V. Real Property Law Academy I (Mike Luberto)

October 20-21, 2020, J.W. Marriott, Grand Rapids/May 5-6, 2021 in Troy

We now have replacements for the following topics:

Ben Aloia– Real Estate Litigation (confirmed)

John Gaber - Commercial Leasing (confirmed)

Michelle Donovan – Title & Survey (not confirmed)

TBD - Closings

VI. 2019-2020 Groundbreaker/2020 Real Estate Outlook (Scott Lesser)

The “Groundbreaker 2020 Real Estate Outlook” program will be held at the DAC on November 17, 2020.

Legislation Committee:

Mr. Gamalski submitted the Legislation Committee Report dated April 11, 2020 for review and discussion by the members. In particular, Mr. Gamalski noted the following:

- 1) **Executive Orders.** Three of particular importance to the Section are: (a) the Executive Order and related Supreme Court order that essentially stay residential evictions, (b) the Executive Order on Remote Online notaries and witnesses which also mandates documents so executed must accepted for recording, and (c) the Bulletin form the Department of Insurance and Financial Services 2020-11 which designates, consistent with the Executive Order, bank, and title companies notaries as essential services.
- 2) **Marketable Title Act.** A bill extending the effective date of Pubic Act 572 of 2018 which amended the Marketable Title Act, has been introduced and is in committee. It would move the effective date of the act to March 29, 2024. See <https://www.legislature.mi.gov/documents/2019-2020/billintroduced/House/pdf/2020-HIB-5611.pdf>
- 3) **Property Tax Relief; HB 5124; Public Act 33.** This Act gives tax relief to delinquent taxpayers. The bill was signed and became effective on March 2, 2020 as Public Act 33 of 2020. See link to the House Fiscal Agency Analysis. Note that the measure sunsets July 1, 2023. Given the current pandemic environment it seems quite likely that issue could be revisited before that date. Essentially one aspect of the bill reduces any delinquent taxes to 10% of the actual market value of the property.

Publication Committee:

Ms. King presented the Publications Report dated April 10, 2020 and mentioned the following:

- 1) The Spring Edition is on track. The authors that have committed are listed in her report.
- 2) The details regarding the future articles and the eNewsletter Pipeline List are included in the Publications Report dated April 10, 2020.

New Business:

- 1) Amicus Brief Committee (Scott Timmer)

This segment was presented by Chairperson LaMont and Ms. King. Due to conflicts, Scott Timmer, Brian Foley and Leslie Lewis abstained from the discussion and vote.

The Real Property Law Section received a request to submit an Amicus Brief in the case of New Products Corporation v Harbor Shores, et.al., Court of Appeals No. 346218, Michigan Supreme Court Case No. 160223. The request is for an amicus brief on behalf of the Plaintiff-Appellant New Products Corporation requesting the Michigan Supreme Court grant application for leave to appeal. The opinion has been published.

The attendees discussed the matter and three attendees advised that they would abstain from any voting due to a conflict of interest. This may be a case of bad facts making bad law. The case involves the MRTA and equitable issues/remedies.

The Court of Appeals determined that the root of title goes to the redemption deed. The case includes arguments of laches and estoppel.

At this time, the Council has decided not to file an amicus brief to support the grant for leave to appeal. We may become involved at a future time if leave is granted.

2) Ad Hoc Committee on MRTA (Nick Scavone)

Mr. Scavone reported on the Ad Hoc Committee on MRTA. They are working on the proposed legislation and are working with other groups.

3) SBM Public Outreach & Education Committee (attachment)

We have been asked to review and update or remove our submitted land contract materials, mortgage foreclosure, purchase & sale of a home & reverse mortgages. Mrs. Zaha will review them. She will contact Chairperson LaMont and determine the best course for review/delegation of the work. Brian Henry is willing to help coordinate.

4) Annual Meeting Discussion – Bylaws attached – to be deferred to the May meeting.

5) Michigan Electronic Recording Commissions - MERC (Brian Henry). He will have an update after April 16, 2020.

6) Construction Committee Co-Chair discussion.

7) YLS Summit Sponsorship – Saturday, September 12th at U of D. They are seeking a \$500 sponsorship. There was discussion regarding past sponsorships, membership recruiting efforts and other opportunities. We will decline to do the sponsorship at this time.

Chairperson LaMont reminded everyone that the next Council meeting would take place on Wednesday, May 13, 2020, at Noon.

Chairperson LaMont adjourned the meeting at 1:26 p.m.

Respectfully submitted,

Dawn M. Patterson, Secretary